

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO. 246 OF 2022  
IN  
FIRST APPEAL NO. 104 OF 2017**

The State of Maharashtra

....Applicant/  
Appellant

**Versus**

Shankar Eknath Rakate

(Since deceased through his legal heirs:-)

1. Mahadeo Shankar Rakate and ors.

....Respondents

Ms. Tanaya Goswami, AGP for the Applicant/Appellant.

None for the Respondents.

**CORAM : S. G. DIGE, J.**

**DATE : 13th DECEMBER, 2022.**

**P.C. :**

1. Heard learned counsel for the applicant.
  
2. Learned AGP for the applicant submits that this Court had passed an order dated 6th February, 2017, directing the appellant to file private paper-book within stipulated period, but the appellant failed to file the private paper-book within the stipulated period, hence, the appeal is dismissed.

3. Learned AGP submits that the applicant has challenged the order passed by the reference court. The applicant had informed the concerned department about filing of the paper-book within stipulated time, but due to official work load, the said department could not provide the applicant information for filing paper-book. Hence, it was not filed within the stipulated time.

4. Considering the submissions of learned AGP and reasons mentioned in the application, the application is allowed and disposed of.

5. The order passed by this Court on 6th February, 2016 is recalled. The appeal is restored.

6. The appellant to file paper-book within eight weeks from today.

**(S. G. DIGE, J.)**